

**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT[605]**

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 34A.22, the Homeland Security and Emergency Management Department hereby amends Chapter 10, “Enhanced 911 Telephone Systems,” Iowa Administrative Code.

The adopted amendments implement 2015 Iowa Acts, House File 651, which amends Iowa Code chapter 34A, as well as adopt the latest revision of the “Wireless NG911 Implementation and Operations Plan.” These amendments focus on the plan as well as changes to the emergency communications service surcharge distribution process.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2154C** on September 30, 2015. A public hearing was held on October 20, 2015. No public comment was received during the public comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Homeland Security and Emergency Management Department adopted these amendments on November 4, 2015.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 34A as amended by 2015 Iowa Acts, House File 651.

These amendments will become effective December 30, 2015.

The following amendments are adopted.

ITEM 1. Amend rule **605—10.2(34A)**, definition of “Emergency call,” as follows:

“*Emergency call*” means a telephone request or text message request for service which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property and respond to other emergency situations determined by local policy.

ITEM 2. Amend subrule 10.7(2) as follows:

10.7(2) Adoption by reference. The “Wireless NG911 Implementation and Operations Plan,” effective ~~July 1, 2013~~ August 30, 2015, and available from the Homeland Security and Emergency Management Department, ~~7105 NW 70th Avenue, Camp Dodge, Bldg. W-4 Johnston~~ 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective ~~June 18, 2014~~ December 30, 2015.

ITEM 3. Amend subrule 10.8(5) as follows:

10.8(5) Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the E911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the E911 Program Manager, Homeland Security and Emergency Management Department, ~~7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston~~ 7900 Hickman Road, Suite 500, Windsor Heights, Iowa ~~50131~~ 50324.

ITEM 4. Amend subrule 10.9(3) as follows:

10.9(3) Moneys in the fund shall be expended and distributed in the order and manner as follows:

a. An amount as appropriated by the general assembly shall be allocated to the homeland security and emergency management department for implementation, support, and maintenance of the functions of the E911 program and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

b. The program manager shall allocate 10 percent of the total amount of surcharge generated per calendar quarter to wireless carriers to recover their costs to deliver wireless E911 phase I services as defined in the Federal Communications Commission (FCC) Docket 94-102 and further defined in

the FCC's letter to King County, Washington, dated May 7, 2001. If this allocation is insufficient to reimburse all wireless carriers for the wireless service provider's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of the provider's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph. This allocation is for the period beginning July 1, 2013, and ending June 30, 2026.

~~*b. c.*~~ The program manager shall reimburse local communications service providers on a calendar quarter basis for their expenses for transport costs between the wireless E911 selective router and the public safety answering points related to the delivery of wireless E911 service.

~~*e. d.*~~ The program manager shall reimburse local communications service providers and third-party E911 automatic location information (ALI) database providers on a calendar quarter basis for the costs of maintaining and upgrading the E911 components and functionalities between the input and output points of the wireless E911 selective router. This includes the wireless E911 selective router and the automatic location information (ALI) database.

~~*d.*~~ ~~The program manager shall allocate 13 percent of the total amount of surcharge generated per calendar quarter to wireless carriers to recover their costs to deliver wireless E911 phase I services as defined in the Federal Communications Commission (FCC) Docket 94-102 and further defined in the FCC's letter to King County, Washington, dated May 7, 2001. If this allocation is insufficient to reimburse all wireless carriers for the wireless service provider's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of the provider's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph. This allocation is for the period beginning July 1, 2013, and ending June 30, 2016.~~

e. A minimum of \$1,000 per calendar quarter shall be allocated for each public safety answering point with the E911 service area of the department of public safety or joint E911 service board that has submitted a written request to the program manager. The written request shall be made with the Request for Wireless E911 Fund form contained in the Wireless NG911 Implementation and Operations Plan. The request is due to the program manager on May 15, or the next business day, of each year.

The amount allocated under 10.9(3) "e" shall be 46 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint E911 service boards shall be \$1,000 per PSAP operated by the respective authority. Additional funds shall be allocated as follows:

(1) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the E911 service area to the total square miles in the state.

(2) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls answered at the public safety answering point in the E911 service area to the total of wireless E911 calls originating in the state.

(3) Funds allocated under 10.9(3) "e" shall be deposited in the E911 service fund and shall be used for communications equipment utilized by the public safety answering points for the implementation and maintenance of E911 services.

f. If moneys remain after all obligations under 10.9(3) "a" to "e," as listed above, have been fully paid, the remainder may be accumulated as a carryover operating surplus. The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed \$100,000 per fiscal year, for development of public awareness and educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and for the expenses of members of the E911 communications council for travel, monthly meetings, and training. Payments from this allocation shall be made in accordance with department policy and procedures. These Remaining moneys shall be used to fund future network improvements and public safety answering point improvements related to the receipt and disposition of the 911 call. These moneys may also be used for wireless service providers' transport costs related to wireless E911 phase II services, if those costs are not otherwise recovered by the

wireless service provider's customer billing or other sources and are approved by the program manager. Any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

[Filed 11/4/15, effective 12/30/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/15.